

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

JOE FOSTER,	:	
	:	
Petitioner,	:	
	:	CASE NO: 4:05-CV-21 (HL)
VS.	:	
	:	28 U.S.C. § 2241
UNITED STATES OF AMERICA	:	Habeas Corpus Petition
	:	
Respondents.	:	

RECOMMENDATION OF DISMISSAL

On February 23, 2005, Petitioner filed an Application for Federal Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 with an Request to Proceed *In Forma Pauperis*. Pursuant to 28 U.S.C. § 1915, when filing for *IFP* status, a petitioner is required to submit an affidavit attesting to his indigent state along with a certified copy of his prisoner trust fund account.

Petitioner failed to sign and date the affidavit he submitted and failed to file his Prisoner Trust Account information. On March 1, 2005, this court ordered Plaintiff to re-file an original copy of a signed affidavit along with his Prisoner Trust Account information for the last six months. In the alternative, Plaintiff was informed that he may also pay the five dollar (\$5.00) filing fee and proceed without filing a Prisoner Trust Account Form.

Four months have now passed since Plaintiff Foster was advised to file his Trust Account information or pay the \$5.00 filing fee. He has not filed an affidavit or his Prisoner Trust Account information as ordered by the court, nor, in the alternative, has he paid the

\$5.00 filing fee.

Therefore, it is **RECOMMENDED** this action be **DISMISSED** as he has failed to commence this action. 28 U.S.C. § 1915. Under 28 U.S.C. § 636(b)(1), plaintiff may serve and file written objections to this recommendation with the United States District Judge, within ten (10) days after being served a copy of this order.

SO ORDERED, this 28th day of June, 2005.

S/ G. MALLON FAIRCLOTH
UNITED STATES MAGISTRATE JUDGE

mZc